

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #11	CCRB Case #: 201802828	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/07/2018 10:15 AM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 10/7/2019	EO SOL 10/7/2019	
Date/Time CV Reported Wed, 04/11/2018 4:08 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 04/11/2018 4:08 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Reilly	30652	935576	084 PCT
2. POM Jesse Trap	10734	960033	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Shauna Davenport	17135	961721	084 PCT
2. SGT Teddy Duroc	03569	948926	084 PCT
3. POM Egemen Aydin	10613	961631	084 PCT
4. POF Jessica Rahaman	11699	941291	084 PCT
5. POM Michael Brienza	16752	959511	084 PCT
6. POM Oscar Montesdeoca	08911	960964	084 PCT
7. POM Joseph Santangelo	00271	949618	084 PCT
8. SGT Seungwoo Seo	02678	940729	084 PCT
9. POM Chee Tam	02112	962828	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Reilly	Force: At § 87(2)(b) in Brooklyn, Police Officer Richard Reilly used physical force against § 87(2)(b)	[REDACTED]
B.POM Richard Reilly	Abuse: At § 87(2)(b) and § 87(2)(b) in Brooklyn, Police Officer Richard Reilly damaged § 87(2)(b)'s property.	[REDACTED]
C.POM Jesse Trap	Force: At the 84th Precinct stationhouse, Police Officer Jesse Trap used physical force against § 87(2)(b)	[REDACTED]

Case Summary

On April 11, 2018, § 87(2)(b) appeared at the CCRB to file this complaint.

On April 7, 2018, at approximately 10:15 A.M., § 87(2)(b) was cycling to work when he was stopped at § 87(2)(b) and § 87(2)(b) in Brooklyn by PO Shauna Davenport and PO Jessica Rahaman of the 84th Precinct. § 87(2)(b) refused to provide his identification, and several other officers were called to the scene, including PO Richard Reilly, PO Joseph Santangelo, PO Michael Brienza, PO Oscar Montesdeoca, PO Egemen Aydin, and Sgt. Teddy Duroc, all of the 84th Precinct. § 87(2)(b) was ultimately arrested and transported to the 84th Precinct stationhouse. As he was being handcuffed, PO Reilly allegedly tried twice to pull § 87(2)(b)'s helmet off his head, yanking his head back and breaking a strap on the helmet (**Allegation A, Force: § 87(2)(g)** **Allegation B, Abuse of Authority: § 87(2)(g)**

When § 87(2)(b) was later released from the stationhouse, he interacted with PO Jesse Trap of the 84th Precinct, who pushed him towards the exit and told him to go (**Allegation C, Force: § 87(2)(g)**

No video footage of the incident was recovered.

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) and § 87(2)(b) in Brooklyn, Police Officer Richard Reilly used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in Brooklyn, Police Officer Richard Reilly damaged § 87(2)(b)'s property.

In his testimony to the CCRB, § 87(2)(b) stated that he was cycling to work on § 87(2)(b) in Brooklyn and approached § 87(2)(b) [BR 05]. As he stopped at § 87(2)(b) § 87(2)(b) noted that the traffic signal was green for those going right. Given that there was a bus in front of § 87(2)(b) that he felt could hit him, he went right and passed § 87(2)(b) § 87(2)(b) was then stopped by PO Davenport and PO Rahaman, during which PO Davenport told § 87(2)(b) that he had run a red light and demanded his identification, which § 87(2)(b) did not have on him at the time. § 87(2)(b) asked for a supervisor, and within five minutes an officer who § 87(2)(b) initially identified as PO O'Neill arrived, as well as several other officers, who all stated that he needed to provide identification. After Sgt. Duroc arrived, § 87(2)(b) was placed under arrest, during which PO O'Neill attempted to yank his helmet off his head, pulling with enough force that § 87(2)(b)'s head was pulled backwards and to the side, resulting in a headache, but the helmet was secured on. PO O'Neill tried to yank it off again, but eventually opened the strap around § 87(2)(b)'s chin and pulled the helmet off. The helmet was damaged, as one of the straps on the inside was broken in the process.

On July 19, 2018, § 87(2)(b) appeared at the CCRB for a photo viewing, during which he was unable to positively identify the officer who removed his helmet [BR 08, 09, 10]. At that time, § 87(2)(b) stated that the officer's name was Reilly, not O'Neill.

In his testimony to the CCRB, PO Reilly stated that he and PO Santangelo were patrolling their sector when they heard a unit call for assistance in a non-emergency situation [BR 12]. They responded within five minutes and spoke to PO Rahaman and PO Davenport, and learned that § 87(2)(b) was refusing to provide identification to be given a summons. PO Reilly did not recall whether § 87(2)(b) was wearing a helmet or any other headgear at the time. PO Reilly assisted in trying to convince § 87(2)(b) to provide identification, to which § 87(2)(b) stated that what he did was not illegal. After approximately 30 minutes, Sgt. Duroc arrived on

scene, and instructed officers to arrest § 87(2)(b) if he refused to provide identification, verbally or otherwise. PO Reilly, PO Brienza, and PO Montesdeoca all assisted in handcuffing § 87(2)(b). There was no difficulty in placing § 87(2)(b) in handcuffs. PO Reilly did not recall whether a helmet was removed from § 87(2)(b)'s person, but noted that his backpack was removed. § 87(2)(b) did not complain of any pain throughout the incident. PO Reilly and his partner transported § 87(2)(b) to the 84th Precinct stationhouse. He did not recall whether § 87(2)(b)'s property was transported with them as well. PO Reilly did not recall whether § 87(2)(b) made any statements during the transport. He did not observe any damage to § 87(2)(b)'s property, and § 87(2)(b) did not complain about any of his property being damaged.

§ 87(2)(g)

PO Santangelo and PO Reilly were the first officers to respond, and § 87(2)(b) was visibly upset and that he did not need to provide his identification because it was a sovereign nation. PO Santangelo did not recall whether § 87(2)(b) was wearing a bicycle helmet when he and PO Reilly arrived, and he did not recall whether any headgear had to be removed from § 87(2)(b)'s person during his arrest. PO Santangelo and PO Reilly transported § 87(2)(b) to the stationhouse, and § 87(2)(b) did not complain of any pain or damage to his property in PO Santangelo's presence.

§ 87(2)(g)

She did not recall who had placed § 87(2)(b) in handcuffs, nor did she recall whether § 87(2)(b) removed his own bicycle helmet or if another officer did so. She did not see any officer forcibly pull the bicycle helmet off § 87(2)(b)'s head. Additionally, PO Davenport was present for § 87(2)(b)'s later release at the stationhouse, and she noted that § 87(2)(b) looked at his belongings before leaving the stationhouse and did not make any remarks about damage to any of his property.

§ 87(2)(g)

She noted that § 87(2)(b) had verbally provided the name Spencer R. Michael before asking for a supervisor to be called. § 87(2)(b) took off his own bicycle helmet and backpack and gave it to PO Rahaman, and PO Davenport placed him in handcuffs.

Sgt. Duroc testified that when he arrived on scene, he approached § 87(2)(b) and asked if he could provide his identification or identify himself verbally, which § 87(2)(b) refused to do, stating that he did not believe in the law and that he was a sovereign citizen [BR 07]. Sgt. Duroc told the response auto officers to place § 87(2)(b) under arrest, which they did. He did not recall if § 87(2)(b) was wearing a bicycle helmet, or if any officers removed the helmet from § 87(2)(b)'s person. No officers forcibly removed his helmet, pulled his head back in doing so, or had any physical contact with § 87(2)(b) beyond placing him in handcuffs. When § 87(2)(b) was later released from the stationhouse, Sgt. Duroc was present and asked § 87(2)(b) if he and his items were okay. Sgt. Duroc did not personally see § 87(2)(b)'s belongings or what he had, but noted that § 87(2)(b) stated his property was okay.

§ 87(2)(g)

PO Aydin did not recall whether § 87(2)(b) was wearing a bicycle helmet when he and Sgt. Duroc arrived. He did not recall whether any headgear had to be removed from § 87(2)(b)'s person during the arrest, nor did he recall seeing any officers attempt to remove § 87(2)(b)'s helmet. § 87(2)(b) did not complain of any pain or damage to his property in PO Aydin's presence.

§ 87(2)(g)

§ 87(2)(b) was still on his bicycle when PO Brienza arrived, and he was yelling. PO Brienza did not recall whether § 87(2)(b) was wearing a helmet when he arrived. § 87(2)(b)

§ 87(2)(b) refused to get off his bicycle when he was arrested, and PO Brienza and other officers lifted his leg in order to move the bicycle from beneath him. He did not recall if a helmet had to be removed from § 87(2)(b)'s head during the course of his arrest, and did not see any officers touch § 87(2)(b)'s head. § 87(2)(b) did not complain of pain or say that any of his property was damaged.

§ 87(2)(g)
When Sgt. Duroc instructed officers to arrest § 87(2)(b) officers removed § 87(2)(b) from his bicycle and he was placed in handcuffs, although PO Montesdeoca did not recall who took those actions. PO Montesdeoca assisted in removing § 87(2)(b) from his bicycle by lifting § 87(2)(b)'s leg so that the bicycle could be moved from beneath him. § 87(2)(b) was wearing a helmet, which was removed by an officer during the arrest, although PO Montesdeoca did not recall who removed it. PO Montesdeoca noted that the officer who removed § 87(2)(b)'s helmet did so gently.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation (C) Force: At the 84th Precinct stationhouse, Police Officer Jesse Trap used physical force against § 87(2)(b)

In his testimony to the CCRB, § 87(2)(b) stated that when he was released from the holding cell at the 84th Precinct stationhouse, PO Davenport was accompanied by PO Trap, who told him to put on his shoes [BR 05]. Sgt. Duroc was also present at the time. After putting his shoes on, § 87(2)(b) was told to put his hands behind his back, which he questioned. He was told to walk out with his hands out. § 87(2)(b) was not sure where he was meant to go, or if he was allowed to leave. PO Trap pushed him twice towards the exit and told him to go. Both of PO Trap's hands made contact with § 87(2)(b)'s upper back and right shoulder, and knocked him off balance but did not knock him down.

PO Trap testified to the CCRB that he was inside the 84th Precinct stationhouse when he heard loud noises and yelling in the holding cell area [BR 16]. He went to the holding cells, where he saw PO Shauna Davenport and § 87(2)(b). He believed § 87(2)(b) was sitting outside of the cell putting his shoelaces back on his shoes when PO Trap arrived. PO Trap decided to assist PO Davenport in escorting § 87(2)(b) to the sergeant's desk, and told § 87(2)(b) to put his hands behind his back as per procedure. § 87(2)(b) refused to comply, and PO Trap told him that he did not have to do so. There was no difficulty in escorting § 87(2)(b) to the sergeant's desk, although he continued to speak while being escorted. PO Trap stood behind § 87(2)(b) and did not physically guide him. The desk sergeant spoke to § 87(2)(b) about his summonses, and PO Trap opened the door which was right next to the desk and led out into the lobby, so that § 87(2)(b) could exit. § 87(2)(b) walked through the doors, but was still upset and walking slowly. PO Trap had no further contact with him. § 87(2)(b) did not indicate that he did not know where to go when exiting the stationhouse, and did not have to be guided. PO Trap did not push § 87(2)(b) towards the exit of the stationhouse, and did not see another officer do so.

§ 87(2)(g)
§ 87(2)(b) did not want to leave the stationhouse at first, stating that he should not have gotten any summons because there had been a misunderstanding. PO Davenport noted that he was combative because he did not want to take the summonses, but eventually left

on his own. No officers had to physically remove § 87(2)(b) from the stationhouse, but several officers reiterated verbally that he had to leave. PO Davenport had gone to the front of the stationhouse to speak with § 87(2)(b)'s wife for two or three minutes and could not see § 87(2)(b) at the time. To her knowledge no officers had any physical contact with § 87(2)(b) in the stationhouse. She did not see any officers push § 87(2)(b) towards the door, nor did she see any officers make any contact or use any force against § 87(2)(b).

§ 87(2)(g) Sgt. Duroc was present for § 87(2)(b)'s release and noted that there was no difficulty in getting § 87(2)(b) to leave. No officer had to assist him in leaving, and Sgt. Duroc noted that no officer pushed § 87(2)(b) used any force against him, or had any physical contact with him.

Sgt. Seungwoo Seo of the 84th Precinct, who was the desk sergeant at the time of § 87(2)(b)'s release from the stationhouse, testified that the arresting officer approached him and said that they were going to release § 87(2)(b) with a summons, after which § 87(2)(b) was again brought to the command desk [BR 17]. Sgt. Seo did not recall who the arresting officer was. He did not recall whether there was any difficulty in getting § 87(2)(b) to leave the stationhouse, and he did not see any officers make physical contact with § 87(2)(b) as he was being released. Sgt. Seo did not see any officer push § 87(2)(b) towards the exit of the stationhouse, or use any force against § 87(2)(b).

PO Chee Tam of the 84th Precinct, who was assigned to stationhouse security at the time of § 87(2)(b)'s release, testified that he was posted outside of the stationhouse and did not see § 87(2)(b) on the incident date [BR 18]. PO Tam had been made aware of his arrest after hearing PO Davenport and PO Rahaman request assistance over the radio, and later spoke to officers who had responded. He did not see any officer push § 87(2)(b) or have any physical contact with or use force against anyone at the stationhouse. He noted that with his assigned post, he would have been made aware of anyone who was being difficult in leaving the stationhouse, although he was not notified of that happening on the incident date.

PO Rahaman, PO Reilly, PO Brienza, PO Montesdeoca, and PO Santangelo all testified that they were not present when § 87(2)(b) was released from the stationhouse and were not made aware after the fact of any officers using force against § 87(2)(b) at the stationhouse [BR 11, 12, 13, 14, 19].

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Richard Reilly has been a member of service for 14 years and has been a subject in six CCRB complaints with 15 allegations, none of which were substantiated.
- PO Jesse Trap has been a member of service for three years and has been a subject in 11 CCRB complaints with 20 allegations, two of which were substantiated.
 - Case 201800251 involved substantiated allegations of pepper spray use and physical force. The Board recommended Command Discipline B, which the NYPD has not implemented.

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Mediation, Civil and Criminal Histories

- § 87(2)(b) original agreed to mediate this complaint, but stated that he no longer wanted to do so during his photo array.
- On October 13, 2018, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 21].
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal convictions in New York [BR 22].

Squad No.: 11

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date